

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-23 are currently pending. No claims have been amended herewith.

In the outstanding Office Action, Claims 1-3, 5-11, 13-18, and 20-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0091815 to Anderson et al. (hereinafter “the ‘815 application”) in view of U.S. Patent No. 6,209,037 to Brown et al. (hereinafter “the ‘037 patent”) and U.S. Patent No. 5,218,680 to Farrell et al. (hereinafter “the ‘680 patent”); and Claims 4, 12, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘815 application in view of the ‘037 patent, the ‘680 patent, and U.S. Patent No. 4,885,684 to Austin et al. (hereinafter “the ‘684 patent”).

Applicants wish to thank the Examiner for the interview granted Applicants’ representatives on November 5, 2007, at which time the outstanding rejection of Claim 1 under was discussed. The Examiner agreed that the Anderson et al., Brown et al., and Farrell et al. references do not appear to disclose the determining steps for selecting a communication protocol based on a network device recited in Claim 1.

Claim 1 is directed to a method of determining which, if any, communication protocols can be used to extract status information related to a network device, comprising: (1) selecting a communication protocol among a plurality of communication protocols; (2) obtaining, from a device object associated with the network device, information for accessing the network device using the selected communication protocol; (3) determining if the network device can be accessed using the selected communication protocol and the information for accessing the network device obtained from the device object; (4) if the determining step determines that the network device can not be accessed using the selected communication protocol, removing, from the device object, the information for accessing the

network device using the selected communication protocol; and (5) if the determining step determines that the network device can be accessed using the selected communication protocol, performing further tests to determine whether the selected communication protocol can be used to extract the status information from the network device.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), the outstanding Office Action asserts that the '815 application, the '037 patent, and the '680 patent disclose all the limitations of Claim 1. In particular, the outstanding Office Action asserts that the '815 application discloses a system and method wherein the status of a network device is checked using a selected protocol; the '037 patent discloses different models of motion control device that define their own communication protocol, a generic device driver, and further testing after communication is established; and the '680 patent discloses a system and method comprising removal of protocol related framing information.¹

However, it is respectfully submitted that the '815 application, the '037 patent, and the '680 patent fail to disclose

determining if the network device **can be accessed** using the selected communication protocol and the information for accessing the network device obtained from the device object;

if the determining step determines that the network device can not be accessed using the selected communication protocol, **removing, from the device object, the information for accessing the network device using the selected communication protocol;** and

if the determining step determines that the network device can be accessed using the selected communication protocol, **performing further tests to determine whether the selected communication protocol can be used to extract the status information from the network device.**

Further, it is unclear from the outstanding Office Action, as to which of the applied references, if any, is relied upon for such teachings.

The '815 application is directed to methods for enterprise management from a central location using intermediate systems. In particular, the '815 application discloses that a

¹ See Office Action dated August 28, 2007, pages 4-7.

translation is made between a protocol used by a central enterprise management facility and a protocol used by enterprise devices.²

However, it is respectfully submitted that the '815 application fails to disclose determining if the network device can be accessed using the selected communication protocol and the information for accessing the network device obtained from the device object; if the determining step determines that the network device can not be accessed using the selected communication protocol, removing, from the device object, the information for accessing the network device using the selected communication protocol; and if the determining step determines that the network device can be accessed using the selected communication protocol, performing further tests to determine whether the selected communication protocol can be used to extract the status information from the network device. Rather, the '815 application merely discloses that a gateway 202 translates messages in the particular protocol used by device 200 to the notification channel protocol used by the notification channel 208, and vice versa. The '815 application discloses that gateway 202 receives messages destined for device 200, and that when such messages are placed in notification channel 208, gateway 202 extracts the message, translates the message to the particular protocol used by device 200, and transmits the translated message to device 200. The '815 application further discloses that gateway 200 also listens to device 200, receiving and translating messages therefrom and placing translated messages into notification channel 208 using the notification channel protocol.³

That is, the '815 application discloses providing a system including translators for providing an interface between different message formats, which does not require determining whether a network device can be accessed using a selected communication protocol, since the messages are translated to provide compatibility. The '815 application

² See '815 application, Abstract.

³ See '815 application, paragraph [0036].

does not disclose determining if the network device can be accessed using the selected communication protocol and the information for accessing the network device obtained from the device object; if the determining step determines that the network device can not be accessed using the selected communication protocol, removing, from the device object, the information for accessing the network device using the selected communication protocol; and if the determining step determines that the network device can be accessed using the selected communication protocol, performing further tests to determine whether the selected communication protocol can be used to extract the status information from the network device.

The '037 patent is directed to motion control systems using a communication map to facilitate communication with motion control hardware. In particular, the '037 patent discloses that based on data input by a user 24 and the contents of the application program 26, the software system 22 generates control commands that are transmitted by one or more streams such as those indicated at 28a, 28b, 28c, and 28d. The '037 patent discloses that the streams 28 transmit control commands incorporating the hardware specific command language necessary to control a given motion control device to perform in a desired manner. The '037 patent further discloses that streams 28 implement the communication protocol that allows the control commands to reach the appropriate motion control device 28 via an appropriate channel (i.e., PC bus, serial port).⁴

However, it is respectfully submitted that the '815 application fails to disclose determining if the network device can be accessed using the selected communication protocol and the information for accessing the network device obtained from the device object; if the determining step determines that the network device can not be accessed using the selected communication protocol, removing, from the device object, the information for accessing the

⁴ See '037 patent, column 5, line 62 to column 6, line 6.

network device using the selected communication protocol; and if the determining step determines that the network device can be accessed using the selected communication protocol, performing further tests to determine whether the selected communication protocol can be used to extract the status information from the network device.

Rather, the '815 application simply discloses that a stream component 28 is used as a data transport layer between the driver 30 component and the destination output location such as the motion control device 20 and/or the output file 34. The '037 patent discloses that the main purpose of the driver 30 is to implement functionality that generates motion control commands for the specific hardware supported.⁵ For example, the '037 patent discloses that when using motion control hardware that is connected to the PC Bus, the driver 30 component will communicate with the PC Bus stream component.⁶ The '815 application does not disclose determining if the network device can be accessed using the selected communication protocol and the information for accessing the network device obtained from the device object; if the determining step determines that the network device can not be accessed using the selected communication protocol, removing, from the device object, the information for accessing the network device using the selected communication protocol; and if the determining step determines that the network device can be accessed using the selected communication protocol, performing further tests to determine whether the selected communication protocol can be used to extract the status information from the network device.

The '680 patent is directed to a data link controller with autonomous in tandem pipeline circuit elements relative to network channels for transferring multitasking data in cyclically recurrent time slots. The outstanding Office Action cites to column 4, lines 67-68,

⁵ See '037 patent, column 12, lines 39-42.

⁶ See '037 patent, column 16, lines 61-67.

column 5, lines 1-4, and column 53, lines 44-50 of the '680 patent for teaching a system and method comprising removal of protocol related framing information.

However, it is respectfully submitted that the cited section fails to disclose determining if the network device can be accessed using the selected communication protocol and the information for accessing the network device obtained from the device object; if the determining step determines that the network device can not be accessed using the selected communication protocol, removing, from the device object, the information for accessing the network device using the selected communication protocol; and if the determining step determines that the network device can be accessed using the selected communication protocol, performing further tests to determine whether the selected communication protocol can be used to extract the status information from the network device. Rather, the cited sections of the '680 patent pertain to removing protocol framing information or removing protocol specific characters and control signal patterns from passed data. The '680 patent does not disclose the step of determining, the step of removing, or the step of performing further tests recited in Claim 1. For example, the '680 patent does not disclose that the protocol framing information, or the protocol specific characters and control signal patterns, are information for accessing the network device using the selected communication protocol. The '680 patent also does not disclose that the protocol framing information, or the protocol specific characters and control signal patterns, are removed from a device object, if a determining step determines that the network device can not be accessed using the protocol framing information, or the protocol specific characters and control signal patterns.

Thus, no matter how the teachings of the '815 application, the '037 patent, and the '680 patent are combined, the combination does not teach or suggest determining if the network device can be accessed using the selected communication protocol and the information for accessing the network device obtained from the device object; if the

determining step determines that the network device can not be accessed using the selected communication protocol, removing, from the device object, the information for accessing the network device using the selected communication protocol; and if the determining step determines that the network device can be accessed using the selected communication protocol, performing further tests to determine whether the selected communication protocol can be used to extract the status information from the network device.

Accordingly, it is respectfully submitted that Claim 1 (and all associated dependent claims) patentably define over any proper combination of the '815 application, the '037 patent, and the '680 patent.

Claim 9, recites in part, means for determining if the network device can be accessed using the selected communication protocol and the information for accessing the network device obtained from the device object; means for removing, from the device object, the information for accessing the network device using the selected communication protocol, when the means for determining determines that the network device can not be accessed using the selected communication protocol; and means for performing further tests to determine whether the selected communication protocol can be used to extract the status information from the network device, when the means for determining determines that the network device can be accessed using the selected communication protocol.

As noted above, the '815 application, the '037 patent, and the '680 patent fail to disclose the steps of "determining," "removing," and "performing further tests" recited in Claim 1. Thus, the '815 application, the '037 patent, and the '680 patent fail to disclose the system of Claim 9. Accordingly, it is respectfully submitted that Claim 9 (and all associated dependent claims) patentably defines over any proper combination of the '815 application, the '037 patent, and the '680 patent.

Claim 16, recites in part, instructions for determining if the network device can be accessed using the selected communication protocol and the information for accessing the network device obtained from the device object; instructions for removing, from the device object, the information for accessing the network device using the selected communication protocol, when the instructions for determining determine that the network device can not be accessed using the selected communication protocol; and instructions for performing further tests to determine whether the selected communication protocol can be used to extract the status information from the network device, when the instructions for determining determine that the network device can be accessed using the selected communication protocol.

As noted above, the '815 application, the '037 patent, and the '680 patent fail to disclose the steps of "determining," "removing," and "performing further tests" recited in Claim 1. Thus, the '815 application, the '037 patent, and the '680 patent fail to disclose the computer program product of Claim 16. Accordingly, it is respectfully submitted that Claim 16 (and all associated dependent claims) patentably defines over any proper combination of the '815 application, the '037 patent, and the '680 patent.

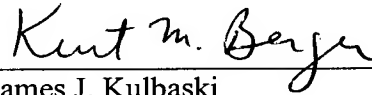
Regarding the rejection of dependent Claims 4, 12, and 19 under 35 U.S.C. § 103(a), it is respectfully submitted that the '684 patent fails to remedy the deficiencies of the '815 application, the '037 patent, and the '680 patent, as discussed above. Accordingly, it is respectfully submitted that dependent Claims 4, 12, and 19 patentably define over any proper combination of the '815 application, the '037 patent, the '680 patent, and the '684 patent.

Thus, it is respectfully submitted that independent Claims 1, 9, and 16 (and all associated dependent claims) patentably define over any proper combination of the '815 application, the '037 patent, the '680 patent, and the '684 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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